

THE LOCAL CIVIL RULES
of
The United States District Court
for the Eastern District of Oklahoma



Effective October 1, 1996

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MICHAEL BURRAGE, CHIEF JUDGE

FRANK H. SEAY, DISTRICT JUDGE

H. DALE COOK, SENIOR DISTRICT JUDGE

JAMES H. PAYNE, MAGISTRATE JUDGE

Counties Within the Eastern District of Oklahoma are:

Adair	Marshall
Atoka	McCurtain
Bryan	McIntosh
Carter	Murray
Cherokee	Muskogee
Choctaw	Okfuskee
Coal	Okmulgee
Haskell	Pittsburg
Hughes	Pontotoc
Johnston	Pushmataha
Latimer	Seminole
Leflore	Sequoyah
Love	Wagoner

William B. Guthrie, Clerk
U.S. District Court
U.S. Courthouse
101 N. Fifth, Room 210
Muskogee, OK 74401
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

LOCAL RULE 1.1

SCOPE OF THE RULES

- A. Title and Citation. These Rules shall be known as the Local Rules of the United States District Court for the Eastern District of Oklahoma. They may be cited as "EDOK LR ____."
- B. Effective Date. These Rules become effective on October 1, 1996.
- C. Scope of the Rules. These Rules shall apply in all proceedings in civil actions. Appendix II contains a listing of General Orders which are available from the Court Clerk on request. General Orders are issued by the Court to establish procedures on administrative matters and less routine matters which do not affect the majority of practitioners before this Court.
- D. Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous rules promulgated by this Court or any Judge of this Court and shall govern all applicable proceedings brought in this Court after the effective date. These Rules also shall apply to all proceedings pending on the effective date, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work an injustice.
- E. Bankruptcy Exclusion. These Rules do not apply in any case or proceeding filed in the Bankruptcy Court for this

District. These Rules apply in any proceeding in which the reference has been withdrawn from the Bankruptcy Court to this Court and to any proceeding on appeal from the Bankruptcy Court which is properly before this Court, except where inconsistent with the Federal Rules of Bankruptcy Procedure.

- F. Judicial Waiver. A Judge may waive any requirement of these Rules when the administration of justice requires waiver.
- G. Explanation of Numbering. Attorneys practicing in this Court are required to abide by the Federal Rules of Civil Procedure as modified or supplemented by these Local Rules. The numbering scheme of these Local Rules coincides with the numbering of the Federal Rules of Civil Procedure. By virtue of this numbering system, an attorney can determine very quickly whether there is a Local Rule which modifies or supplements a particular Federal Rule. For example, Rule 33, Federal Rules of Civil Procedure, discusses interrogatories. The Local Rule concerning interrogatories is numbered 33.1.

LOCAL RULE 1.2

AVAILABILITY OF THE LOCAL RULES

Copies of these Rules, as amended and with any appendices, are available from the Court Clerk's office. Upon application to the bar of this Court, every attorney will be provided a copy of

the Local Rules with appendices in force at the time of admission.

When amendments to these Rules are proposed, notice of such proposals and of the ability of the public to comment shall be published in The Oklahoma Bar Journal.

LOCAL RULE 1.3

PROFESSIONAL CONDUCT EXPECTED

- A. Officer of the Court. All attorneys admitted to practice before this Court are officers of the Court and shall assist in securing the just, speedy, and inexpensive determination of every action.
- B. Unprofessional Conduct. The Court may deal with unprofessional conduct in any manner deemed appropriate that is consistent with the Constitution and laws of the United States.
- C. Ex Parte Communication Prohibited. Oklahoma Rule of Professional Conduct 3.5(b) prohibits ex parte communication with Judges. Inquiries shall be made to the Court Clerk.
- D. Summary Discipline. The Court may issue an order, including temporary suspension, as it deems appropriate for misbehavior of any person in its presence resulting in the obstruction of the administration of justice, misbehavior of any of its officers in their official transactions, and disobedience or resistance to its lawful writ, process, order, rule, decree, or command, pursuant to 18 U.S.C. §

401. Summary discipline shall not include the right of the Court to permanently suspend or disbar the offending lawyer.

- E. Show Cause Procedure. Proceedings to discipline a member of the bar of this Court, except as set forth in paragraph (D), shall be conducted upon an order to show cause issued by a District Judge reciting the charges, the place of the hearing, and the date and time of the hearing. The show cause hearing shall not be conducted less than thirty (30) days from the date of the notice. The notice will set out hearing procedures as may be reasonable and consistent with due process.

Discipline imposed by a District Judge following a show cause hearing may be appealed to the other active District Judge(s) of this Court. Upon request of the attorney and the posting of a supersedeas bond in an amount to be fixed by the Judge imposing the disciplinary action, the discipline imposed will be stayed for eleven (11) days to allow an appeal. If no written appeal is filed within eleven (11) days, the imposed discipline shall be administered. The other District Judge(s) shall review all matters previously considered and additional matters as permitted. The other District Judge(s) shall consider the matter de novo, including punishment.

- F. Proceedings Before Magistrate Judges. Discipline may be imposed for unprofessional conduct before Magistrate Judges pursuant to the procedure set out in 28 U.S.C. § 636(e).

When the parties have consented pursuant to 28 U.S.C. § 636(c) and Rule 73, Federal Rules of Civil Procedure, the Magistrate Judge shall have full civil contempt powers.

- G. Discretionary Referral to Committee. The Court may, in its discretion, refer any disciplinary matter to its Committee on Admissions and Grievances for investigation and recommendation to the Court, either before or after the issuance of an order to show cause.
- H. Referral to Oklahoma Bar Association. The Court will refer any violation of the Oklahoma Rules of Professional Conduct by a member of the bar of this Court to the Oklahoma Bar Association for disciplinary action.
- I. Reinstatement. Any attorney disbarred or suspended pursuant to these Rules may move the Court for leave to petition for reinstatement. Reinstatement requires a majority vote of the Judges of this Court.
- J. Disclosure of Professional Misconduct by a Lawyer not a Member of the Bar of the Eastern District of Oklahoma. Any lawyer not a member of the bar of the Eastern District of Oklahoma, upon application to practice pro hac vice, shall disclose to the Court in writing any prior judicial or bar association determination of professional misconduct. The Court, within its discretion, may deny pro hac vice status if warranted or revoke pro hac vice status for failure to fully disclose required information.

- K. Senior Judges. On request of the Chief Judge and agreement of the Senior Judge, a Senior Judge may act in the capacity of an active District Judge in connection with any disciplinary or other matter where these Rules specify a District Judge.

LOCAL RULE 3.1

CIVIL COVER SHEET

Every complaint or other document initiating a civil action shall be accompanied by a completed civil cover sheet, on a form available from the Court Clerk.

LOCAL RULE 5.1

FILING REQUIREMENTS

- A. Venue. All proceedings, in which venue lies in this District, shall be commenced at the Court Clerk's office in Muskogee, Oklahoma, and shall be maintained there unless and until transferred.
- B. Filing. The original and one copy for Court use of all pleadings, motions, and permanent papers shall be filed with the Court Clerk.
- C. Fees Charged by Clerk. The Court Clerk shall charge and collect filing fees and fees for services performed, as provided by the Judicial Conference of the United States. A fee schedule shall be maintained in the Court Clerk's office. When pleadings are received for filing without the

required fee, the Court Clerk shall notify the filing party that the pleadings will be received but will not be filed until the required fee is received or an order allowing the party to proceed in forma pauperis is obtained. When the filing fee or order is received, the Court Clerk shall file the pleadings as of the date all requirements for filing have been satisfied. A notice of appeal to the Tenth Circuit Court of Appeals shall be filed when received.

D. Certificate of Service. All papers required to be served on opposing parties by Rule 5, Federal Rules of Civil Procedure, shall contain a certificate of service setting forth the date and method of delivery.

E. Prisoners Filing in Forma Pauperis.

1. Any motion by a prisoner to proceed in forma pauperis must be on a form approved by this Court and supplied by the Court Clerk's office.
2. In forma pauperis status shall be denied a prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding if the total balance of the prisoner's institutional accounts equals or exceeds the sum of the required filing fee plus \$10.00. When in forma pauperis status is denied, the entire filing fee shall be required to commence the action or appeal.
3. Pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (1996), a prisoner seeking to bring a civil action or appeal a judgment in

a civil action or proceeding is required to pay the full filing fee when granted in forma pauperis status. The amount of the initial partial filing fee and subsequent monthly payments shall be determined by the Court.

LOCAL RULE 7.1

MOTION PRACTICE

- A. Filing. The original motion and a copy for Court use shall be filed with the Court Clerk.
- B. Motions. Each motion, application, or objection filed shall be a separate pleading, except where alternative pleading is allowed by law or these Rules. Each shall set out the specific point or points upon which it is brought. Except as otherwise provided by these Rules, a concise brief shall accompany each motion, application, or objection. The brief may be combined with the motion, application, or objection. A separate pleading in opposition or response to each motion, application, or objection shall be filed within fifteen (15) days, which includes three (3) days for mailing allowed by Rule 6(e), Federal Rules of Civil Procedure, after the filing of the motion, application, or objection. The filing of a reply is optional but shall be filed thereafter within eleven (11) days, which includes three (3) days for mailing allowed by Rule 6(e), Federal Rules of Civil Procedure. Any failure to comply with this paragraph

will constitute a waiver of any objection by the noncomplying party, and the failure to comply will constitute a confession of the matters raised by the pleadings.

C. Motions Not Requiring Briefs. All motions shall be accompanied by a brief except for the following:

1. To extend the time for the performance of an act required or allowed to be done, provided the request is made before expiration of the period originally prescribed, or as extended by previous orders;
2. To continue a pretrial conference, hearing or trial of an action;
3. To amend pleadings;
4. To file supplemental pleadings;
5. To appoint next friend or guardian ad litem;
6. To substitute a party or parties;
7. To conduct physical or mental examinations;
8. To add additional parties;
9. To stay proceedings to enforce a judgment; or
10. For Admission Pro Hac Vice;

provided each such motion states whether the other parties concur or object to the motion.

D. Motions for Extension of Time and Continuances. The Court Clerk may grant a defendant the first extension of time, not to exceed fifteen (15) days, within which to serve an answer or other responsive pleading to the complaint. Subsequent

requests for extensions or continuances shall state whether opposing counsel objects to the extension or continuance. A proposed order granting the requested extension or continuance may be presented with the application or motion.

- E. Legibility. Exhibits attached to any motion, brief, or other document shall be legible.

LOCAL RULE 7.2

BRIEFS

- A. Filing. The original and one copy for Court use of each brief shall be filed with the Court Clerk.
- B. Title. Each brief shall be clearly styled to show whether it is opening, response, reply, or supplemental, the particular matter to which it relates, and the party or parties on whose behalf it is presented. Briefs shall not exceed twenty-five (25) pages in length without permission of the Court.
- C. Briefs Exceeding fifteen (15) Pages in Length. Briefs exceeding fifteen (15) pages in length shall be accompanied by an indexed table of contents showing headings or subheadings, and an indexed table of statutes, rules, ordinances, cases, and other authorities cited.
- D. Reference to Parties. If there are multiple party plaintiffs or defendants, or if there are cross-claimants or intervenors, references to them shall include the name

(which may be abbreviated) of the particular party to whom reference is made.

- E. Ordinances. If the ordinance of any city or town or regulation of any government authority having the force of law is cited or quoted in a brief, a copy of that order or regulation shall be appended.
- F. Statutes Foreign to the Jurisdiction. The statute of any state or country foreign to the jurisdiction of the Court and relied upon by a party shall be cited and quoted in the brief of the party and a copy appended.
- G. Briefs Relating to Motions for Summary Judgment. Briefs relating to motions for summary judgment shall also comply with Local Rule 56.1.

LOCAL RULE 9.1

SOCIAL SECURITY CASES

- A. Worker's Social Security Number. Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), shall provide on the face sheet of the complaint the social security number of the worker on whose wage record the application for benefits was filed.
- B. Extensions for Filing Briefs. The Court Clerk may grant a first extension of thirty (30) days for filing briefs in social security cases. Any extension of time thereafter must be obtained from the Court.

LOCAL RULE 9.2

ACTIONS BROUGHT BY INCARCERATED PERSONS

- A. Forms. Copies of this Court's forms and instructions for filing petitions for a writ of habeas corpus, civil rights complaints, and motions for post-conviction relief shall be made available upon request to the Court Clerk.
- B. Noncomplying Forms and Pleadings.
1. Determination of Nonconformance. If the Court Clerk is in doubt as to whether a petition, complaint, or motion complies with this Rule, he shall refer the document to a Judge of this Court who shall determine this matter or assign it for determination.
 2. Return of Nonconforming Forms and Pleadings. A noncomplying petition, complaint, or motion may be returned with a copy of this Rule and a statement of the reasons for its return, if the Court Clerk is so directed by a Judge of this Court. The Court Clerk shall retain one copy of each noncomplying petition, complaint, or motion returned.
- C. Service.
1. Habeas Corpus Petitions. Upon filing a petition for a writ of habeas corpus or a motion for post-conviction relief as contemplated by this Rule, the Court Clerk shall serve by mail a copy of the petition or motion with a notice of its filing on the Oklahoma Attorney General and the Attorney General of any other state

involved or the United States Attorney for the Eastern District of Oklahoma.

2. Civil Rights Complaints.

- a. Upon filing a civil rights complaint, the plaintiff shall be responsible for service upon the defendants within 120 days of the filing of the complaint.
- b. If the plaintiff is proceeding in forma pauperis, the Court Clerk shall forward the summons and a copy of the complaint to the United States Marshals Service for service. A plaintiff proceeding in forma pauperis must provide the United States Marshals Service a completed Process Receipt and Return Form, USM-285, to effect service. These forms are available from the Court Clerk's office or the United States Marshals Service.

D. Scheduling Order. A scheduling order shall be entered by the Court in cases brought by incarcerated persons without a conference.

1. Habeas Corpus. In habeas corpus cases the scheduling order shall be entered within thirty (30) days of notification of the respondent.
2. Civil Rights. In civil rights cases the scheduling order shall be entered within thirty (30) days of service of the complaint upon all defendants.

LOCAL RULE 9.3

NOTICE OF BANKRUPTCY FILING

If a bankruptcy proceeding is filed or has been filed by or against a party to any pending civil suit, counsel for the bankruptcy debtor shall file with the Court Clerk a written notice fully describing the pertinent bankruptcy proceeding within five (5) days after the filing. If the notice is not forthcoming, any other party or counsel aware of the pending bankruptcy proceeding shall promptly provide the required information to the Court.

LOCAL RULE 10.1

PAPER FORMAT

All pleadings, motions, and other papers presented for filing shall be on flat, unfolded 8 1/2 X 11 inch white paper of good quality. The documents shall be plainly typewritten, printed, or prepared by a clearly legible duplication process. Each page shall be double-spaced in a font or typeface that contains no more than 12 characters per inch, except for quoted material, and numbered consecutively.

This Rule does not apply to exhibits submitted for filing or documents filed in removed actions prior to removal from state court.

LOCAL RULE 11.1

REPRESENTATIONS AND DISCLOSURES TO THE COURT

The parties, through counsel, shall immediately notify the Court of an agreement reached by the parties which resolves the litigation as to any or all parties. The parties and their counsel, upon request by the Court, will disclose to the Court any and all agreements, regarding any settlement, dismissal or any other provision for disposition of the case or any portion thereof. Failure to abide by this rule shall subject the attorney or client to sanctions.

LOCAL RULE 15.1

MOTIONS TO AMEND

A party who moves to amend a pleading shall also submit with the motion the original of the amendment and one copy for Court use. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended and may not incorporate any prior pleading by reference, unless leave of Court is obtained. A motion to amend is not necessary if the amendment is filed prior to the date for amending prescribed in the scheduling order entered in the case.

LOCAL RULE 16.1

SCHEDULING AND PLANNING

- A. Scheduling. A status and scheduling conference shall be held in all cases in accordance with Rule 16(a), Federal

Rules of Civil Procedure, except in administrative review cases, bankruptcy appeals, prisoner petition cases, or any other case exempted by the Federal Rules of Civil Procedure. An attorney who will participate in the trial and pro se litigants, except incarcerated persons, shall attend a conference required by the Court.

B. Agenda. Counsel shall be prepared to discuss the following dates at the status and scheduling conference:

1. Joinder of additional parties or amendments to pleadings;
2. Completion of discovery;
3. Final day for filing all dispositive motions;
4. Filing agreed pretrial order;
5. Filing requested instructions and voir dire;
6. Filing proposed findings of fact and conclusions of law;
7. Filing trial brief;
8. Filing written settlement report;
9. Proposed trial date;
10. Filing motions in limine;
11. Exchange of demonstrative exhibits;
12. Exchange of witness and exhibit lists;
13. Filing of deposition designations and counter-designations;

14. Filing of objections contained within video depositions, or any deposition where the witness will be unavailable to testify at trial;
 15. Estimated length of trial; and
 16. Whether the trial will be a jury or non-jury matter.
- C. Default. Failure to comply with the order of the Court setting a status and scheduling conference or notice thereof issued by the Court Clerk may subject the case to an order of dismissal, entry of judgment, or sanctions as may be determined by the Court.

LOCAL RULE 16.2

PRETRIAL

- A. Docket. A pretrial conference shall be held in all civil cases as ordered by the Court.
- B. Notice. Notice of a pretrial conference shall be given by the Court Clerk to attorneys of record and pro se parties. The notice shall contain the following instructions:
1. The attorneys who will conduct the trial are required to attend the conference, unless a substitute attorney is authorized by the Court.
 2. Litigants will not attend the conference without prior Court approval.
 3. Attorneys will confer among themselves prior to the pretrial conference for the purpose of preparing an agreed pretrial order.

C. Agreed Pretrial Order Contents. An agreed pretrial order shall be filed as directed by the Court in the scheduling conference order. Counsel for the plaintiff will prepare the agreed pretrial order, unless otherwise ordered by the Court. The contents of the agreed pretrial order must accurately reflect the current status of the case and shall supersede the pleadings and govern the trial of the case, unless departure is permitted by the Court in the interest of justice. The plaintiff shall submit the completed agreed pretrial order, executed by all attorneys, within the time indicated by the Court.

The agreed pretrial order will include the following:

1. The date and place the conference was held and the matters discussed, including the possibility of settlement;
2. A statement of the contentions of the parties;
3. Stipulations as to as many facts and issues as possible;
4. Relief sought;
5. All factual issues remaining to be resolved;
6. All legal issues remaining to be resolved;
7. A list of all exhibits to be introduced at trial. The exhibits shall be available for inspection by opposing counsel prior to pretrial conference;

8. All objections to the admission of exhibits, with specific grounds of objections. Any objection not so stated shall be deemed waived at trial;
 9. Complete lists of witnesses, including rebuttal witnesses, together with addresses and a brief summary of expected testimony; and
 10. Other matters as shall be indicated in the pretrial order form provided by the Court.
- D. Additional Exhibits/Witnesses. Should additional exhibits be discovered, the party proposing to add the exhibits shall immediately mark them for identification and furnish copies to opposing counsel. Should additional witnesses be discovered, opposing counsel shall be notified immediately by telephone and facsimile of names, addresses, and brief summaries of the witnesses' testimony. No additional exhibit shall be allowed, nor shall any additional witness be permitted to testify, if in the exercise of due diligence the use of the exhibit or witness could have been anticipated and included in the pretrial order. Strict compliance with this provision shall be enforced.
- E. Default. Failure to comply with the order of the Court setting a pretrial conference or notice thereof issued by the Court Clerk may subject the case to an order of dismissal, entry of judgment, or sanctions as may be determined by the Court.

LOCAL RULE 16.3

SETTLEMENT CONFERENCE

The Court may, upon its own motion or at the request of any of the parties, order a settlement conference at a time and place to be fixed by the Court. A District Judge or a Magistrate Judge, other than the Judge assigned to the case, will typically preside at the settlement conference. The Settlement Judge will take no part in adjudicating the case subsequent to the settlement conference. The attorney who will try the case shall appear for each party. A person or representative with full settlement authority shall accompany the attorney to the settlement conference. Other interested parties, such as insurers or indemnitors, shall attend through fully authorized representatives and are subject to the provisions of this Rule. The parties, their representatives, and attorneys are required to be completely candid with the Settlement Judge or Magistrate Judge, so he or she may properly guide settlement discussions. Further, no later than eleven (11) days prior to the conference, the parties shall provide the Court with affidavits identifying all insurance coverage and stating the amount of coverage. The Settlement Judge may make additional requirements of the parties as shall seem proper to the Settlement Judge in order to expedite an amicable resolution of the case. The Settlement Judge has the right to meet jointly or individually with the parties and/or corporate representatives without the presence of counsel. The Settlement Judge may elect to have the parties and/or corporate

representatives meet alone without the presence of the Settlement Judge or counsel with the specific understanding that any conversation relative to settlement will not constitute an admission, and will not be used in any form in the litigation or in the event of trial.

In the event a governmental entity, which is a party, determines that it will be unable to provide a representative with full settlement authority at the settlement conference, the governmental entity shall promptly make application to the Court for leave to proceed with a representative with limited authority. The application shall be delivered to the Settlement Judge no later than eleven (11) days prior to the conference and shall contain:

1. The reasons which make it impracticable for a governmental entity's representative to appear with full settlement authority;
2. A detailed description of the limited authority to be exercised at the conference; and
3. Alternative proposals by which full authority may be exercised at or subsequent to the conference.

The application shall be made only after all other alternatives have been considered and rejected in good faith. Upon consideration of the application, the Settlement Judge may allow the governmental entity to appear with limited authority or may, notwithstanding the application, require appropriate persons

to appear as may be necessary to have full settlement authority at the conference.

Any party who, in the Court's judgment, acts in bad faith or impairs settlement proceedings, may be subject to appropriate sanctions. Failure to appear, or to participate in good faith in a settlement conference ordered by the Court, may result in any of the following sanctions:

1. The striking of a pleading;
2. A preclusion order, staying the proceeding;
3. A default judgment;
4. Assessment of expenses and fees against a party, attorney individually, insurer or indemnitor, or combination thereof; or
5. Such other order as the Court may deem just and appropriate.

LOCAL RULE 23.1

DESIGNATION OF CLASS ACTION

In any case seeking class certification, the complaint or other pleading asserting a class action shall include in its caption the legend "Class Action."

LOCAL RULE 24.1

PROCEDURE FOR NOTIFICATION OF UNCONSTITUTIONALITY CLAIM

In any action, suit, or proceeding in which (1) the United States or any agency, officer, or employee thereof is not a

party, and in which the constitutionality of an Act of Congress affecting the public interest is questioned, or (2) a state or any agency, officer, or employee thereof is not a party, and in which the constitutionality of any statute of that state affecting the public interest is questioned, the party raising the constitutional issue shall notify the Court of the existence of the alleged constitutional question. Such notification shall be given by stating "Claim of Unconstitutionality" or the equivalent immediately following the title of the pleading alleging the unconstitutionality. See Rule 24(c), Federal Rules of Civil Procedure.

LOCAL RULE 26.1

DISCOVERY

- A. Discovery Material not to be Filed. Depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed with the Court Clerk. The party taking the deposition and the party generating the written discovery shall be responsible for maintaining the original.
- B. Extensions of Time. Motions for extensions of time to respond to discovery requests shall include:
1. A statement on the first page of the motion whether the application is opposed;
 2. A recitation that the applicant has conferred in good faith with opposing counsel;

3. A recitation of the discovery cutoff date, pretrial date, and trial date previously set by the Court; and
 4. The reasons for the requested extension.
- C. Responses Within Discovery Cutoff Date Required. All discovery requests shall be served on opposing counsel in sufficient time to allow a response prior to discovery cutoff.
- D. Mandatory Disclosure. Mandatory disclosure of information regarding fact witnesses, pertinent documents and data compilations, and damages computations may be required by the Court at an appropriate time, as determined on a case-by-case basis. Although parties are encouraged to cooperatively exchange materials and information clearly relevant to disputed facts at the earliest practical time, mandatory disclosure of these items will not be required prior to the status and scheduling conference, unless otherwise ordered by the Court. See Local Rule 16.1.
- E. Conference. Parties shall confer as soon as practicable, but not less than fourteen (14) days prior to the status and scheduling conference, to discuss the nature and basis of claims and defenses, the possibility of prompt settlement, and whether to consent to proceed before a United States Magistrate Judge. The plaintiff shall file with the Court Clerk a joint written report of such meeting four (4) working days prior to the status and scheduling conference. Attorneys shall make known to their clients the contents of

the report. All parties and their counsel are required to sign the report. The signatures of the parties may be submitted by facsimile.

LOCAL RULE 26.2

DISCLOSURE OF INSURANCE AGREEMENTS

A party shall, without awaiting a discovery request, provide any insurance agreement to the other parties under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action, or to indemnify or reimburse for payments made to satisfy such a judgment.

LOCAL RULE 26.3

TREATMENT OF THE AMENDMENTS TO

RULE 26 OF THE FEDERAL RULES OF CIVIL PROCEDURE

- A. Rule 26(a)(1)(A), (B), and (C); Rule 26(a)(2); Rule 26(b)(4)(A); Rule 26(d) Opt Out. The Court has by order specifically opted out of and declined to apply the provisions of Rule 26(a)(1)(A), (B), and (C); Rule 26(a)(2); Rule 26(b)(4)(A); Rule 26(d); and the last sentence of Rule 26(e)(1), Federal Rules of Civil Procedure.
- B. Rule 26(a)(1)(D) Opt In. The provisions of Rule 26(a)(1)(D), Federal Rules of Civil Procedure, requiring early disclosure of insurance agreements are applicable in this Court. See Local Rule 26.2.

- C. Remaining Rule 26 Provisions Adopted. The remaining provisions of Rule 26, Federal Rules of Civil Procedure, not specifically addressed here are applicable in this Court.

LOCAL RULE 30.1

DEPOSITIONS

- A. Reasonable Notice. "Reasonable notice" as contemplated by Rule 30(b)(1), Federal Rules of Civil Procedure, shall be five (5) days, subject to an order of the Court entered for cause shown enlarging or shortening the time. Rule 6, Federal Rules of Civil Procedure, shall govern the computation of time.
- B. Depositions Generally. Counsel shall personally meet as required by Local Rule 37.1 and attempt to resolve any disputes concerning objections to the taking of, or objections made during a deposition, including transcript preparations, before presenting such unresolved issues to the Court.
- C. Trial Depositions. Except by order of the Court, trial depositions may be taken by reasonable notice up to five (5) days prior to trial. Rule 6, Federal Rule of Civil Procedure, shall govern the computation of time.

LOCAL RULE 33.1

INTERROGATORIES

- A. Limited to Twenty-Five (25). The number of interrogatories served on a party by another party in any one case shall not exceed twenty-five (25) in number. Interrogatories inquiring about the existence, location, and custodian of documents or physical evidence shall be construed as one interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories. No further interrogatories may be served unless authorized by the Court.
- B. Additional Interrogatories by Stipulation and Order. If counsel for a party believes that more than twenty-five (25) interrogatories are necessary, then counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. In the event such a stipulation is agreed upon, it shall be filed with a proposed order. If a written stipulation cannot be agreed upon, the party seeking to submit such additional interrogatories shall file a motion with the Court (1) showing that counsel have conferred in good faith, but sincere attempts to resolve the issue have been unavailing; (2) showing the reasons establishing good cause of the use; and (3) setting forth the proposed additional interrogatories.

LOCAL RULE 37.1

INFORMAL CONFERENCE TO SETTLE DISCOVERY DISPUTES

Unless otherwise ordered, the Court will not entertain any discovery motion, unless counsel for the moving party contemporaneously files a statement showing the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion. Motions filed by persons appearing pro se are excepted from this rule.

LOCAL RULE 37.2

FORM OF DISCOVERY MOTIONS

Any discovery motion filed pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, shall include in the motion itself, or in an attached memorandum, a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion or a copy of the actual discovery document which is the subject of the motion.

LOCAL RULE 38.1

NOTATION OF "JURY DEMAND" IN THE PLEADING

- A. Jury Demand. If a party demands a jury trial by endorsing it on a pleading, as permitted by Rule 38(b), Federal Rules of Civil Procedure, a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand For Jury Trial" or an equivalent

statement. This notation will serve as a sufficient demand under Rule 38(b).

- B. Assessment of Jury Costs. Notice of settlement or other disposition of a case, other than by trial, must be timely given to the Court Clerk to avoid unnecessary expense regarding the appearance of jurors. Should the parties fail to give timely notice, the Court may in an appropriate case assess jury costs against the parties and/or counsel. Any monies collected as a result of said assessment shall be paid to the Court Clerk for transmittal to the United States Treasury.

LOCAL RULE 39.1

OPENING STATEMENTS AND CLOSING ARGUMENTS

Opening statements and closing arguments to juries are subject to time limitations and the number of participating attorneys.

LOCAL RULE 40.1

ASSIGNMENT OF CASES FOR TRIAL

The placing of actions upon the trial calendar will be as announced at the status and scheduling conference, unless trial setting is not required.

LOCAL RULE 41.1

ADMINISTRATIVE CLOSURE

A Judge may direct the Court Clerk to administratively close a civil action, subject to reopening for good cause.

LOCAL RULE 43.1

LISTS OF WITNESSES AND EXHIBITS AT TRIAL

- A. List of Witnesses. At the commencement of the trial of a civil case, counsel shall submit to the presiding Judge, the courtroom deputy clerk, the court reporter, the court security officer, and opposing counsel a typewritten list of the witnesses expected to testify, including rebuttal witnesses, in the order to be called.
- B. List of Trial Exhibits.
1. Pretrial Meeting. Within five (5) days of the trial date, the attorneys shall meet with the courtroom deputy clerk to accomplish the numbering of the parties' respective exhibits. This meeting may be conducted telephonically. Unless otherwise directed by the courtroom deputy clerk, exhibits shall be consecutively numbered without subparts.
 2. Trial Procedure. At the commencement of a trial, the attorneys shall submit to the Judge, the courtroom deputy clerk, the court reporter, and opposing counsel a typewritten list of the exhibits they plan to introduce, designated by trial exhibit numbers. A

separate list shall also be provided to the courtroom deputy clerk designating the specific exhibits to be used during the examination of each listed witness. The attorneys for each party shall also submit two (2) trial notebooks, one (1) for the Court and one (1) for the witnesses, containing each party's exhibits, consecutively numbered and tabbed. The notebook need not contain oversized exhibits, x-rays, or other exhibits which cannot be conveniently photocopied.

LOCAL RULE 47.1

VOIR DIRE OF JURORS

The Court will conduct voir dire, and counsel will be given the opportunity to suggest additional questions. Counsel may be given the opportunity to conduct limited additional voir dire.

LOCAL RULE 47.2

COMMUNICATION WITH JURORS

No person shall communicate with any juror concerning the juror's service in any trial prior to the juror's discharge from the case. Upon discharge from service, each juror is free to discuss or refuse to discuss that juror's service with any person, if the juror so desires. Attorneys who are officers of this Court, and those acting on behalf of such attorneys, are prohibited from approaching jurors in any manner at any time

concerning a juror's service, except upon leave of the Court after a showing of good cause.

LOCAL RULE 54.1

TAXATION OF COSTS

- A. Bill of Costs. Within fourteen (14) days after entry of a judgment or decree in any case or proceeding, the party recovering costs shall file a verified bill of costs using the forms provided by the Court Clerk. The bill of costs shall include proof of service upon the opposing party. The Court may extend the time for filing a verified bill of costs for good cause shown and upon written motion filed within the fourteen (14) day period. The Court Clerk shall tax the costs in accordance with Rule 54(d), Federal Rules of Civil Procedure.
- B. Objections to a Bill of Costs. Objections to a bill of costs must be filed with the Court and served on all adverse parties within fourteen (14) days after the bill of costs is filed. An objection to any item in a bill of costs shall include supporting affidavits and documentation.

LOCAL RULE 54.2

AWARD OF ATTORNEY FEES

Within fourteen (14) days of the entry of a judgment or decree, any party entitled to and requesting attorney fees shall file an application for fees. An affidavit, setting forth all

information the applicant wishes the Court to consider in determining fees, shall accompany the application. Objections to the application for fees shall be filed within fourteen (14) days thereafter, and set forth specific objections and any other matters to be considered by the Court.

LOCAL RULE 56.1

SUMMARY JUDGMENT PROCEDURE

- A. Motions and Briefs. A brief in support of a motion for summary judgment or partial summary judgment shall begin with a concise statement of material facts as to which movant contends no genuine issue exists. The facts shall be numbered and shall refer with particularity to those portions of the record upon which the movant relies.
- B. Response and Briefs. A brief in opposition to a motion for summary judgment or partial summary judgment shall begin with a concise statement of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be numbered, shall refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, shall state the number of the movant's fact that is disputed. All material facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment, unless specifically controverted by the statement of the opposing party.

- C. Hearings. Pursuant to Rule 78, Federal Rules of Civil Procedure, hearings with oral arguments on motions for summary judgment will not be conducted as a matter of course, unless otherwise ordered by the Court.

LOCAL RULE 65.1.1

SURETIES

- A. Scope of Rule. Whenever a security, bond, or undertaking is required by federal statute, the Federal Rules of Civil Procedure, or an order of the Court, and the form or amount thereof is not otherwise specified in or determined by statute, rule, or order, the amount and form thereof shall be as provided by this Rule, unless otherwise specified by an order of the Court.
- B. Security for Costs. On its own motion, or upon motion of a party in interest, the Court may at any time order any party to give security, bond, or undertaking in such amount as the Court may order for the payment of costs or for performance of other conditions or requirements imposed in an action or proceeding.
- C. Corporate Surety. No security, bond, or undertaking with a corporate surety shall be accepted or approved unless: (1) the corporate surety is in compliance with the provisions of 6 U.S.C. §§ 6-13; and (2) a duly authenticated power of attorney appointing the agents or officers executing such

obligation to act on behalf of the corporate surety is on file with the Court Clerk.

- D. Cash or Negotiable Bonds of the United States. In lieu of a corporate surety, a party may deposit with the Court Clerk the required amount in lawful money or negotiable bonds of the United States accompanied by a written instrument, to be approved by the Court, executed and acknowledged by the party and setting forth the conditions upon which the deposit is made. When the true owner is other than the party making the deposit, the instrument shall so state and shall also be executed and acknowledged by the true owner. Upon exoneration the instrument and deposit may be returned by the Court Clerk to the depositor or the true owner, if the depositor is other than the named true owner, after application of the deposit to claims of the United States in the proceedings and to proper fees of the United States Marshal and Court Clerk.

- E. Submission to Jurisdiction - Agent for Service of Process. Notwithstanding any provision of a security instrument to the contrary, every surety or depositor of security subjects himself to the jurisdiction of this Court and irrevocably appoints the Court Clerk as his agent upon whom any papers affecting his liability may be served. Every surety or depositor of security consents to his liability being joint and several. Consequently, judgment may be entered against the surety, or depositor of security, in accordance with his

obligation simultaneously with judgment against the principal, and execution may thereupon issue.

F. Further Security of Justification of Personal Sureties.

Upon reasonable notice to the party presenting the security, any other party for whose benefit it is presented may apply to the Court at any time for further or different security or for an order requiring personal sureties to justify.

G. Court Officers as Sureties. No clerk, marshal, member of the bar, or other officer of this Court will be accepted as surety, either directly or indirectly, on any bond or undertaking in any action or proceeding in this Court.

H. Real Estate. Real estate will not be accepted as security in this jurisdiction.

LOCAL RULE 67.1

DEPOSIT AND DISBURSEMENT OF REGISTRY FUNDS

A. Deposit of Funds. All counsel presenting court orders for the deposit of registry funds in interest-bearing accounts shall serve a copy thereof on the Court Clerk or the Chief Deputy Court Clerk personally. Absent this service, the Court Clerk is relieved of any personal liability relative to compliance with any such order. Proposed orders directing the Court Clerk to invest such funds in an interest-bearing account or other instrument shall include the following: (1) the exact dollar amount of the principal sum to be invested; (2) the name of the depository approved

by the Treasurer of the United States as a depository in which funds may be deposited; (3) a designation of the type and tenor of account or instrument in which the funds shall be invested; and (4) wording which directs the Court Clerk to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the United States Courts.

- B. Disbursement Ordered by District Judge Only. Any orders disbursing funds from the registry funds shall be presented to the Court Clerk for transmittal to the Court and shall be prepared for signature of a District Judge.
- C. Provision of Social Security or Tax I.D. Numbers. A person seeking withdrawal of money which was deposited in the Court and which was subsequently deposited into an interest-bearing account or instrument pursuant to Rule 67, Federal Rules of Civil Procedure, shall provide on a separate paper attached to the motion seeking withdrawal of funds, the social security number or tax identification number of the ultimate recipient of the funds.
- D. Registry Fund Fee. A registry fee shall be collected at the time funds are disbursed pursuant to 28 U.S.C. §§ 1914 and 2041.

LOCAL RULE 71A.1

CONDEMNATION CASES

- A. Master File. When the United States files separate land condemnation actions and concurrently files a single declaration of taking relating to those separate actions, the Court Clerk is authorized to establish a master file so designated, in which the declaration of taking shall be filed, and the filing of the declaration of taking therein shall constitute a filing of the same in each of the actions to which it relates when reference is made thereto in the separate actions.
- B. Separate Civil Actions. The Court Clerk shall open a separate civil action for each tract, economic unit, or ownership for which just compensation is required to be separately determined. An appropriate reference in each separate civil action to the master file case number shall be deemed to incorporate by reference the declaration of taking in the master file.

LOCAL RULE 72.1

MAGISTRATE JUDGES

- A. Authorization and Duties. All Magistrate Judges duly appointed and acting as such in this District are designated and authorized to perform the duties prescribed by 28 U.S.C. § 636(a)(1), (2), and (3); (b)(1)(A), (B), and (C); (b)(2); and (b)(3).

B. Civil Cases - Non-dispositive Pretrial Matters. Pursuant to 28 U.S.C. § 636(b) (1) (A), a District Judge may designate a Magistrate Judge to hear and determine any pretrial matter in any pending civil action, except for the following motions:

1. For injunctive relief;
2. For judgment on the pleadings;
3. For summary judgment;
4. To dismiss; and
5. To permit maintenance of class action.

The Magistrate Judge shall announce in open court, or file his or her report and recommendations with the Court Clerk. Any party objecting to the Magistrate Judge's oral findings or report and recommendation may file objections within ten (10) days after the oral findings are announced or report and recommendation is served. Objections shall be accompanied by a brief which sets forth with particularity the grounds for the objection. Any objections not so made shall be deemed waived, and the Court will enter such order as it deems appropriate.

C. Civil Cases - Dispositive Matters. Pursuant to 28 U.S.C. § 636(b) (1) (B), a District Judge may designate a Magistrate Judge to conduct hearings, including evidentiary hearings, and to submit proposed findings of fact and recommendations for the disposition of any of the motions excepted from Rule 72.1(B). The Magistrate Judge shall file his proposed

findings and recommendations with the Court, mailing copies thereof to all parties who shall have ten (10) days after service thereof to serve and file specific written objections thereto. If no such objections are filed, the Magistrate Judge's findings and recommendations may be accepted by the District Judge and appropriate orders entered without further notice.

- D. Service as Special Master. Pursuant to 28 U.S.C. § 636(b)(2), a District Judge may designate a Magistrate Judge to serve as a Special Master in any civil case, upon consent of the parties. The Magistrate Judge shall then proceed according to Rule 53, Federal Rules of Civil Procedure. In the absence of the consent of the parties, the appointment of a Magistrate Judge as a Special Master may be made only upon a showing of the exceptional conditions required by Rule 53(b), Federal Rules of Civil Procedure.

LOCAL RULE 73.1

CONSENT TO PROCEED BEFORE

THE UNITED STATES MAGISTRATE JUDGE

- A. Authority and Jurisdiction. With the consent of the parties, each full-time Magistrate Judge appointed by this Court is specifically designated to exercise the authority and jurisdiction provided by 28 U.S.C. § 636(c) and Rule 73, Federal Rules of Civil Procedure, to conduct any or all

proceedings in a jury or non-jury civil matter and to order the entry of judgment in a case.

- B. Notice. The Court Clerk shall notify the parties in all civil cases that they may consent to have a full-time Magistrate Judge conduct any or all proceedings in the case and order the entry of the final judgment. Such notice, together with Magistrate Judge consent forms, shall be handed or mailed to each plaintiff or each plaintiff's representative at the time an action is filed, and to other parties as attachments to copies of the complaint and summons to be served. Additional notices may be furnished to the parties at later stages of the proceedings and may be included with pretrial conference notices and instructions.
- C. Time of Consent. The parties may consent to Magistrate Judge jurisdiction at any time during the pendency of a case.
- D. Form of Consent. The joint form of consent shall be executed by the parties unless one of the parties is a pro se prisoner, in which case separate consent forms may be submitted.
- E. Consent. Parties may consent to the transfer of an entire case to the assigned Magistrate Judge by filing a completed consent form. After the trial consent form has been executed and filed, the Court Clerk shall transmit it to the assigned District Judge for approval and referral of the case for trial to the assigned Magistrate Judge.

LOCAL RULE 77.1

BUSINESS HOURS OF THE COURT CLERK

The business hours of the Court Clerk are from 8:00 a.m. to 4:30 p.m. Monday through Friday. All pleadings, motions, briefs, and other papers shall be filed not later than 4:30 p.m. on the day required. After business hours and on Saturdays, Sundays, and legal holidays, the Court Clerk may permit other filings when good cause is shown.

LOCAL RULE 79.1

RECORDS KEPT BY THE COURT CLERK

- A. Records Maintained by the Court. All pleadings filed and exhibits introduced and in the custody of the Court Clerk shall be kept on file in the Court Clerk's office in Muskogee. No file shall be removed from the Court Clerk's office except with the permission of the Court Clerk. A receipt specifying the record or paper removed shall be given by the party obtaining it. If there is a transcript included with the file which has been made by the official court reporter in the course of official business, and the party removing the file wishes a copy of the transcript, the copy must be made in the Court Clerk's office and charges as permitted by 28 U.S.C. § 1914 will be collected by the Court Clerk.
- B. Withdrawal of Trial Exhibits Required. Exhibits introduced and received into evidence at a trial or hearing shall be

retained in the custody of the Court Clerk during the pendency of the trial or hearing, unless otherwise ordered by the Court. At the conclusion of the Court proceedings, the party introducing exhibits shall remove those exhibits from the custody of the Court Clerk for storage until the final determination of the case. If an appeal is taken, it shall be the responsibility of the attorneys to provide any designated exhibits to the United States Court of Appeals for the Tenth Circuit. If the Court reserves ruling after a non-jury trial or other hearing in which exhibits have been received into evidence, the attorneys shall produce the exhibits to the Court upon request.

LOCAL RULE 80.1

COURT REPORTERS

The Court Reporter Management Plan is available for review in the Court Clerk's office. A current schedule of transcript fees, as established by the Judicial Conference, is posted in the Court Clerk's office and is available from the official court reporters.

LOCAL RULE 81.1

REMOVAL FROM STATE COURT

A party who desires to remove a civil case from a State court to this Court pursuant to 28 U.S.C. § 1446 shall state the grounds for removal and specifically identify the parties to the

action in the notice of removal. A party seeking removal shall file clearly legible copies of all process, pleadings, and orders served upon that party in the case sought to be removed simultaneously with the notice of removal. Upon order of the Court, the removing party may be required to file copies of additional records and proceedings in the State court with the Court Clerk. In addition, in order for any pending State court motions to be considered, the motion must be reurged and filed in this Court in compliance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and any scheduling order entered by this Court.

LOCAL RULE 83.1

COURTROOM AND COURTHOUSE DECORUM

- A. Professional Responsibilities. The Rules of Professional Conduct governing all activities of members of the Oklahoma Bar Association states in the preamble that those "Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law." In that spirit, all lawyers should become familiar with their duties and obligations as defined and classified generally in the Oklahoma Rules of Professional Conduct, the common law decisions, the statutes, the usages, the customs, and practice of the bar.

B. Emphasis. The purpose of this Rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to all other requirements, therefore, lawyers appearing in this Court shall:

1. Be punctual in attendance at court;
2. Refrain from addressing anyone in court by first names;
3. Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the Court's permission has been first obtained;
4. Ascertain that only one lawyer is standing at a time, unless an objection is being made;
5. At all times counsel for plaintiff shall occupy the table nearest the jury box, and counsel for defendant shall occupy the table furthestmost from the jury box;
6. Avoid approaching the bench as much as possible. In this connection, counsel should try to anticipate questions which will arise during the trial, and take them up with the Court and opposing counsel in chambers. If, however, it becomes necessary for an attorney to confer with the Court at the bench, the Court's permission should be obtained, and opposing counsel should be openly invited to accompany him;
7. Refrain from employing dilatory tactics;
8. Deliver jury arguments from the lectern placed in a proper position facing the jury. If it is necessary to

argue from an exhibit, the Court may, upon request, grant permission to do so;

9. Hand all papers intended for the Court to see to the courtroom deputy clerk, who, in turn, will pass them to the Judge;
10. Hand to the courtroom deputy clerk, rather than the court reporter, any exhibits to be marked which have not previously been identified;
11. Advise clients, witnesses, and others concerning rules of decorum to be observed in court;
12. Stand and use the lectern when interrogating witnesses, unless otherwise instructed by the Court. However, when interrogating a witness concerning an exhibit, the Court may, upon request, grant permission to approach the witness stand or the exhibit for that purpose;
13. Never conduct or engage in experiments involving any use of their own persons or bodies, except to illustrate in argument what has previously been admitted into evidence;
14. Refrain from participating in a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document, or the like. If, during the trial they discover the ends of justice require their testimony, they should from that point on, if feasible and not prejudicial to their client's

case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony;

15. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by any ill feelings between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel;
16. Rise when addressing or being addressed by the Judge. Counsel with physical disabilities are excused from this requirement;
17. Refrain from assuming an undignified posture;
18. Counsel and court personnel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves;
19. Comply, along with all other persons in the courtroom, with the following:
 - a. No tobacco in any form will be permitted at any time;
 - b. No propping of feet on tables or chairs will be permitted at any time;
 - c. No bottles, beverage containers, paper cups, or edibles shall be brought into the courtroom, except with permission of the bailiff;

- d. No gum chewing or reading of newspapers or magazines will be permitted while court is in session, except as a part of the evidence in a case;
- e. No talking or other unnecessary noises such as pagers, beepers, or cellular telephones will be permitted while court is in session;
- f. Everyone must rise when instructed to do so, upon opening, closing, or declaring recesses of court. Persons with physical disabilities are excused from this requirement;
- g. Any attorney who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt;
- h. The taking of photographs, the operation of tape recorders in the courtroom, and radio or television broadcasting from the courtroom during the progress of or in connection with judicial proceedings, whether or not court is actually in session, is prohibited, unless prior leave is granted by the Court. A Judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record; (2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization

proceedings; and (3) the use of personal computers by attorneys.

LOCAL RULE 83.2

ENTRY OF APPEARANCE.

Any attorney appearing in a civil case shall enter his appearance by signing and filing an entry of appearance form provided by the Court Clerk. In the event a party should change or add additional counsel, such counsel shall also file an entry of appearance.

LOCAL RULE 83.3

BAR ADMISSION.

- A. Roll of Attorneys. The bar of this Court shall consist of those attorneys heretofore, and those hereafter, admitted to practice before this Court, who have taken the oath prescribed by the rules in force at the time they were admitted or the oath prescribed by this Local Rule, and have signed the roll of attorneys of this District.
- B. Procedure for Admission. There is hereby constituted a Committee on Admissions and Grievances, consisting of members of this bar, appointed by the Court. An application for admission shall be referred to the Committee for investigation into the qualifications of the applicant and his or her fitness to be admitted to the bar of this Court.

The Committee shall report its recommendations in writing to the Court Clerk.

- C. Application for Admissions. Every applicant for admission shall file with the Court Clerk a written petition for admission which shall be referred immediately to the Committee on Admissions and Grievances. Upon a favorable report of the Committee filed with the Court Clerk, the applicant may be admitted. If, after investigation of an applicant, the Court shall deny an applicant, the applicant shall be notified of the denial by certified mail. The applicant shall have the right to file a written request for an evidentiary hearing on the denial. Failure to file a written request for hearing within thirty (30) days of receipt of notice of the Committee's adverse report shall be deemed a withdrawal of the application for admission. In emergency situations individual Judges may admit individual lawyers who have not been approved by the Committee upon special request and motion by a member of the bar of this Court. Before being admitted as a member of the bar of this Court, each applicant shall take and subscribe to the oath shown in Appendix I of these Rules.
- D. Fees. Each applicant approved by the Committee on Admissions and Grievances shall pay a fee of thirty dollars (\$30.00) to the Court Clerk's office at the time he is sworn and receives his certificate.

- E. Eligibility. Any member in good standing of the bar of the Supreme Court of the United States, any United States Court of Appeals, any District Court of the United States, or the highest court of any State of the United States is eligible for admission to the bar of this Court.
- F. Attorneys for the United States. Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.
- G. Admission of Nonresident Attorney for Limited Practice. Any member of the bar of the Supreme Court of the United States, any United States Court of Appeals, or any District Court of the United States who is a nonresident of Oklahoma may be admitted to the bar of this Court for limited practice upon written application and without compliance with subsection (B) hereof. Limited practice shall be restricted to appearance and practice in a case or proceeding then on file in this Court.
- H. Temporary Admission. Any resident attorney of Oklahoma who is eligible for admission to the bar of this Court may, at the discretion of a Judge of this Court, be granted temporary admission to practice in a pending case.
- I. Resident Counsel Required. Any attorney who is not a resident of or who does not maintain an office in the State of Oklahoma shall, when representing a party in this Court, provide proof to the Court there is an attorney personally

appearing in the action who is a resident of and who maintains a law office within the State of Oklahoma and who has been duly and regularly admitted to practice in this Court. The resident attorney shall sign the first pleading filed and shall continue in the case unless other resident counsel is substituted. Any notice, pleading, or other paper may be served upon the resident attorney with the same effect as if personally served upon the nonresident attorney.

J. Withdrawal from Case. In all actions wherein appearance is made through counsel, counsel shall not be permitted to withdraw from the case except by leave of court upon reasonable notice to the client and all other parties who have appeared in the case. Withdrawal of counsel may be granted subject to the condition that subsequent papers may continue to be served upon the counsel for forwarding purposes, until the client appears by other counsel or in propria persona.

K. Standard of Conduct. The Code of Professional Responsibility of the Oklahoma Bar Association, as amended from time to time, is adopted as the standard of conduct for applicants and members of the bar of this Court.

L. Discipline. Any applicant or member of the bar of this Court guilty of a violation of the prescribed oath of office, the standard of conduct of this Court, or any conduct unbecoming a member of the bar of this Court shall

be subject to denial of admission, reprimand, suspension, disbarment, or other disciplinary action as the Court deems appropriate.

1. Conviction or Discipline in Other Courts. Any applicant for admission or member of the bar of this Court convicted in any court of a felony or other crime involving moral turpitude or disbarred or suspended from practice in any court of competent jurisdiction, shall be denied admission or suspended automatically from practice in this Court. The applicant may be admitted or reinstated only upon written application showing cause why the applicant should be admitted or reinstated. In the event the discipline imposed in the other jurisdiction has been stayed, the discipline imposed in this Court shall likewise be deferred until the stay expires in the other jurisdiction. However, the attorney shall not be automatically similarly disciplined in this Court, if the Court determines upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:
 - a. That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
 - b. That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not,

consistent with its duty, accept as final the conclusion on that subject;

- c. That the imposition of the same discipline by this Court would result in grave injustice; or
- d. That the misconduct established is deemed by this Court to warrant substantially different discipline.

An applicant or attorney of this bar who is under investigation for misconduct, is facing disbarment proceedings in any court of competent jurisdiction, resigns from the bar of the investigating jurisdiction, or voluntarily permits his license to practice therein to terminate shall be deemed by this Court to have been disbarred in the other jurisdiction and shall be disbarred from practicing in this Court.

2. Disciplinary Procedure. Proceedings to discipline a member of the bar of this Court shall be upon an order to show cause issued by the Court, reciting the charges and fixing notice of the date of hearing, which shall not be less than thirty (30) days from the date of the notice, and reciting the place of the hearing and such procedures as may be reasonable and consistent with due process. Notice to the attorney shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the attorney's last known address. The Court may in its discretion

refer any bar disciplinary matter to its Committee on Admissions and Grievances for proper investigation and recommendation to the Court, either before or after issuance of an order to show cause. If the recommendation of the Committee on Admissions and Grievances suggests disbarment or suspension, such recommendation shall not be adopted until the procedure set forth above has been followed. Any attorney disbarred or suspended pursuant to these Rules may apply to the Court for leave to petition for reinstatement. The Court may elect to bypass the above procedures and refer any request for disciplinary action against a member of the bar of this Court to the Oklahoma Bar Association.

ADOPTED by the Judges of this Court effective October
1, 1996.

MICHAEL BURRAGE, Chief Judge

FRANK H. SEAY, U.S. District Judge

JAMES H. PAYNE, U.S. Magistrate Judge

ATTEST:

WILLIAM B. GUTHRIE, Court Clerk

APPENDIX I

OATH OF ATTORNEY

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Oklahoma. I will maintain the respect due to courts of justice and judicial officers.

I will be bound by the Rules of Professional Conduct for the Oklahoma Bar Association and will conduct myself in compliance therewith at all times.

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law.

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with business except from him or with his knowledge and approval.

I will abstain from all offensive personalities and advance no facts prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed or delay any person's cause for lucre or malice. So help me God.

APPENDIX II - - GENERAL ORDERS

[REFERENCE: LR 1.1(C)]

The following General Orders will be provided by the Court Clerk upon request:

G.O. 96-1 Regarding Jury Plan